

**INFORMATION SHEET DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE,  
INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF  
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Los Angeles District

**FILE NUMBER:** 2005-00948-AOA

**REGULATORY PROJECT MANAGER:** Aaron O. Allen, Ph.D. **Date:** April 12, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** Y **Date:** April 12, 2005  
**At the project site (Y/N)** N **Date:** \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

**State:** California

**County:** Los Angeles

**Center coordinates of site by latitude & longitudinal coordinates:** 34-19-29 (North)

**Approximate size of site/property (including uplands & in acres):** 118-28-36 (West)

**Name of waterway or watershed:** Isolated lakes near Grapevine Creek (LA River)

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                  |        | X      |        |         |          |          |         |             |         |
| River                                 |        |        |        |         |          |          |         |             |         |
| Stream                                |        |        |        |         |          |          |         |             |         |
| Dry Wash                              |        |        |        |         |          |          |         |             |         |
| Mudflat                               |        |        |        |         |          |          |         |             |         |
| Sandflat                              |        |        |        |         |          |          |         |             |         |
| Wetlands                              |        |        |        |         |          |          |         |             |         |
| Slough                                |        |        |        |         |          |          |         |             |         |
| Prairie pothole                       |        |        |        |         |          |          |         |             |         |
| Wet meadow                            |        |        |        |         |          |          |         |             |         |
| Playa lake                            |        |        |        |         |          |          |         |             |         |
| Vernal pool                           |        |        |        |         |          |          |         |             |         |
| Natural pond                          |        |        |        |         |          |          |         |             |         |
| Other water (identify type)           |        |        |        |         |          |          |         |             |         |
| _____                                 |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | X        |    |  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? | X        |    |  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          | X  |  |                       |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                       |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_\_\_\_ Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** A total of five lakes were constructed as part of the Cascades Golf Course in the city of Sylmar, Los Angeles County. Grapevine Creek flows through a portion of the Golf Course and one of the Lakes (Lake 5) was constructed so that Grapevine Creek enters the lake and then proceeds downstream to Bull Creek, which flows to the Los Angeles River that connects to the Pacific Ocean. Based on the above information, Grapevine Creek and Lake 5 are tributary to waters of the United States and subject to Section 404 of the Clean Water Act. However, based on information provided by the applicant and the Corps independent review of the project area, Lakes 1 through 4 were excavated in upland areas as part of the existing golf course and do not contribute flow to Grapevine Creek. Instead, all four of these lakes are isolated non-navigable water bodies and, as a result, are subject to the SWANCC Supreme Court Decision (No. 99-1178). Using the criteria at 33 CFR Part 328.3, the Corps has determined that

Lakes 1 through 4 exhibit insufficient evidence of interstate commerce to meet the requirements at 33 CFR Part 328.3(a) (3) (iii) and do not meet the requirements for navigability at 33 CFR Part 328.3(a)(1). As a result, Lakes 1 through 4 on the Cascades Golf Course are not subject to the Corps jurisdiction under Section 404 of the Clean Water Act and Section 404 permit is not required for the proposed construction activities in these water bodies.